REMARKS

This application has been reviewed in light of the Office Action dated

January 12, 2006. Claims 1, 2, 4, 6, 8-10, 12, 13, 15, 17, 19, 20, 21, 34 and 47-49 are

presented for examination. Claims 1, 2, 6, 8, 9, 10, 12, 13, 17, 19, 20, 21, 34 and 47-49

have been amended to define still more clearly what Applicants regard as their invention.

Claim 8, 19 have been amended as to matters of form only, to ensure consistency of

terminology, and/or correct claim dependency. No change in scope is either intended or

believed effected by at least these latter changes. Claims 1, 8, 9, 12, 19, 20, 34, 47 and 49

are in independent form. Favorable reconsideration is requested.

Claims 1, 2, 4, 5, 12, 13, 15, 34 and 47-49 have been rejected under 35

U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,189,102 (Beser) in

view of United States Patent No. 6,075,776 (Tanimoto). Claims 6, 8-10, 17 and 19-21

have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Beser and

Tanimoto, in view of United States Patent No. 5,850,388 (Anderson).

As shown above, Applicant has amended independent Claims 1, 8, 9, 12,

19, 20, 34, 47 and 49 in terms that more clearly define what he regards as his invention.

Applicant submits that these amended independent claims, together with the remaining

claims dependent thereon, are patentably distinct from the cited prior art for at least the

following reasons.

Claim 1 is directed to a network apparatus including: (1) a receiving unit

adapted to receive data from a network; (2) a detecting unit adapted to detect a value

indicative of a data length in a packet header of the data received by the receiving unit, the

packet header being provided for a predetermined protocol; and (3) a setting unit adapted to set a destination logic address of the received data as a logic address of the network apparatus in a case where the detected value indicative of the data length is a predetermined value and a destination physical address of the received data and a physical address of the network apparatus are the same.

Among other notable features of Claim 1 is a detecting unit adapted to detect a value indicative of a data length in a packet header of the data received by the receiving unit, the packet header being provided for a predetermined protocol and a setting unit adapted to set a destination logic address of the received data as a logic address of the network apparatus in a case where the detected value indicative of the data length is a predetermined value and a destination physical address of the received data and a physical address of the network apparatus are the same.

As discussed previously, Beser relates to a method for authenticating network devices in a data-over-cable system. Figure 6 of Beser depicts a block diagram illustrating a Dynamic Host Configuration Protocol (DHCP) 66 message structure 108. The DHCP 66 message structure 108 includes, among other things, a HOPS field 116, a transaction identifier field 118, a flags field 122, a client IP address field 124 (CIADDR), a your IP address field 126 (YIADDR), a server IP address field 128 (SIADDR), and a client hardware address field 132 (CHADDR). However, Applicant has found nothing in Beser that would teach or suggest "a detecting unit adapted to detect a value indicative of a data length in a packet header of the data received by said receiving unit, the packet header being provided for a predetermined protocol," as recited in Claim 1. In addition, Applicant

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has found nothing in Beser that would teach or suggest "a setting unit adapted to set a destination logic address of the received data as a logic address of said network apparatus in a case where the detected value indicative of the data length is a predetermined value and a destination physical address of the received data and a physical address of said network apparatus are the same," as recited in Claim 1.

Tanimoto does not remedy the deficiencies of Beser. Tanimoto relates to a control system for a VLAN in which a home network to which one or more terminals are ordinarily connected, and at least one remote network to which the terminals are connected when they are moved, are connected with each other via a global network. The system includes a remote access server, a remote access client and a VLAN management server. However, Applicant has found nothing in Tanimoto that would teach or suggest "a detecting unit adapted to detect a value indicative of a data length in a packet header of the data received by said receiving unit, the packet header being provided for a predetermined protocol" or "a setting unit adapted to set a destination logic address of the received data as a logic address of said network apparatus in a case where the detected value indicative of the data length is a predetermined value and a destination physical address of the received data and a physical address of said network apparatus are the same," as recited in Claim 1.

Accordingly, Applicant submits that Claim 1 is patentable over Beser and Tanimoto, whether considered separately or in any permissible combination (if any).

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 1.

Independent Claims 12 and 34 are method and network device control program claims, respectively, corresponding to apparatus Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1. Additionally, independent Claims 9, 20, 47 and 49 include a feature substantially similar as that discussed above above in connection with Claim 1. Accordingly, Claims 9, 20, 47 and 49 are believed to be patentable for reasons substantially similar as those discussed above in connection with Claim 1.

Claim 8 is directed to a network apparatus including: (1) a receiving unit adapted to receive data from a network; (2) a detecting unit adapted to detect a TTL value in a packet header of the data received by the receiving unit, the packet header being provided for a predetermined protocol; and (3) a setting unit adapted to set a destination logic address of the received data as a logic address of the network apparatus in a case where the detected TTL value is a predetermined value and a destination physical address of the received data and a physical address of the network apparatus are the same.

For substantially the same reasons as discussed above with respect to Claim 1, neither Beser nor Tanimoto teaches or suggests "detecting unit adapted to detect a TTL value in a packet header of the data received by said receiving unit, the packet header being provided for a predetermined protocol" or "a setting unit adapted to set a destination logic address of the received data as a logic address of said network apparatus in a case where the detected TTL value is a predetermined value and a destination physical address of the received data and a physical address of said network apparatus are the same," as recited in Claim 8.

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Anderson does not remedy the deficiencies of Beser and Tanimoto. Anderson relates to protocol analyzers for monitoring and analyzing digital transmission networks. However, Applicant has found nothing in Anderson that would teach or suggest a "detecting unit adapted to detect a TTL value in a packet header of the data received by said receiving unit, the packet header being provided for a predetermined protocol" or "a setting unit adapted to set a destination logic address of the received data as a logic address of said network apparatus in a case where the detected TTL value is a predetermined value and a destination physical address of the received data and a physical address of said network apparatus are the same," as recited in Claim 8.

Therefore, even if Beser, Tanimoto and Anderson were to be combined in the manner proposed in the Office Action, assuming such combination would even be permissible or proper, the resulting combination also would fail to teach or suggest at least these features of Claim 8.

Accordingly, Applicant submits that Claim 8 is patentable over Beser, Tanimoto and Anderson, whether considered separately or in any proper combination (if any).

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 8.

Independent Claim 19 is a method claim corresponding to apparatus Claim 8, and is believed to be patentable for at least the same reasons as discussed above in connection with Claim 8.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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